

30.11.2023.
44.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4175 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Karimpur P.S. Case No.250 of 2009 dated 13.11.2009 under Section 396 of the Indian Penal Code and added Sections 120B/412 of the Indian Penal Code and Sections 25/27 of the Arms Act.

In the matter of : **Azad Khan @ Gokul @ Bakul.**

.... Petitioner.

Mr. Asraf Mondal,
Mr. G. C. Baidya.

...for the Petitioner.

Mr. Neguive Ahmed, Id. A.P.P.,
Mrs. Amita Gaur.

...for the State.

1. Petitioner is in custody for about fourteen years. He contends there is inordinate delay in trial. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits date has been fixed for examination of the accused under Section 313 of the Code of Criminal Procedure. Co-accused who are on bail are absenting themselves causing delay.
3. We have considered the materials on record. Petitioner is in custody for more than fourteen years. Trial has not come to an end. Even if one concedes to the submission that examination of the accused under Section 313 of the Code of Criminal Procedure was delayed due to non-appearance of other accused persons, there is no explanation why the prosecution allowed a criminal trial to meander for fourteen years. Notwithstanding the nature of accusation in the light of

the inordinate delay in trial and protracted detention suffered by the petitioner which infracts his fundamental right to speedy justice, we are inclined to grant bail to the petitioner.

4. Accordingly, the petitioner viz., **Azad Khan @ Gokul @ Bakul** shall be released on bail upon furnishing a bond of Rs.25,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Tehatta, Nadia subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall remain within the district of Nadia except for the purpose of attending court proceeding and report to the Officer-in-charge, Murutia Police Station once in a week until further orders.

5. In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. Petitioner and co-accused shall co-operate with the Trial Court to conclude the trial within six months from the next date fixed before the Court, in the event they do not do so or seek to delay the proceeding without justifiable cause, the bail prayer of the petitioner may be cancelled.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

